

Practitioner's Docket No. 0002.12

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Patton, John S.

Application No.: 09/577,264

Group No.: 1653

Filed: May 22, 2000

Examiner: Unassigned

For: PULMONARY DELIVERY OF ACTIVE FRAGMENTS OF PARATHYROID HORMONE

Assistant Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
WITHIN THREE MONTHS OF FILING OR
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. section 1.97(b))

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. section 1.97(b).

Date: April 23, 2001

Signature of Practitioner

Reg. No.: 38,443
Tel. No.: 650-631-3100
Customer No.: 21968

Susan T. Evans
Inhale Therapeutic Systems, Inc.
150 Industrial Road
San Carlos, CA 94070

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. section 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

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- ☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: April 23, 2001

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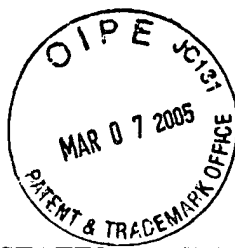
- ☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Date: April 23, 2001

(type or print name of person certifying)

Practitioner's Docket No. 0002.12



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Patton, John S.

Application No.: 09/577,264

Group No.: 1654

Filed: May 22, 2000

Examiner: Unassigned

For: PULMONARY DELIVERY OF ACTIVE FRAGMENTS OF PARATHYROID HORMONE

Assistant Commissioner for Patents


Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT UNDER
37 CFR §1.97 AND §1.98

The references cited on attached forms PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. In accordance with 37 CFR §1.98(d), copies of the references can be found in corresponding United States Patent Application No. 09/128,401, filed August 3, 1998, Attorney Docket No. 0002.11. It is respectfully requested that the cited information be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent therefrom.

Applicant authorizes the Commissioner to charge the fee of \$240.00 to Deposit Account No. 500348.

Date: April 20, 2001


Signature of Practitioner

Reg. No.: 38,443
Tel. No.: 650-631-3100
Customer No.: 21968

Susan T. Evans
Inhale Therapeutic Systems, Inc.
150 Industrial Road
San Carlos, CA 94070

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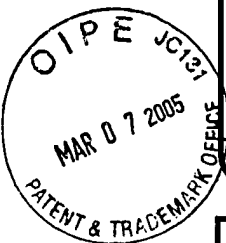
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Complete if Known

Application Number	09/577,264
Filing Date	05/22/2000
First Named Inventor	John S. Patton
Group Art Unit	1654
Examiner Name	Unassigned
Attorney Docket Number	0002.12

(use as many sheets as necessary)

Sheet 1 of 1



U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
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***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	09/577,264
Filing Date	05/22/2000
First Named Inventor	John S. Patton
Group Art Unit	1654
Examiner Name	Unassigned
Attorney Docket Number	0002.12

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Neer et al. (1987) Osteoporosis 53:829-835	✓
		Hesch et al. (1988) Calcif. Tissue Int. 42:341-344	✓
		Habener et al. (1971) Proc. Natl. Acad. Sci. USA 68:2986-2991	✓
		Patton et al. (1992) Adv. Drug Delivery Reviews 8:179-196	✓
		Harms et al. (1987) Int. Symp. On Osteoporosis, Aalborg, Abstr. 232:723-724	✓
		Patton (1994) J. Controlled Release 28: 79-85	✓
		Abstract of Japanese Patent, Document Number JP 02 000111, Date 01/05/90	✓
		Patton (1998) Modern Drug Discovery, 19-28	

Examiner
Signature

Date
Considered

¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: John S. Patton

Atty Docket No.: 0002.12

Application No. 09/577,264

Examiner: Unassigned

Filed: May 22, 2000

Group Art Unit: 1653

Title: PULMONARY DELIVERY OF
ACTIVE FRAGMENTS OF
PARATHYROID HORMONE



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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, Virginia 22310-1450 on May 06, 2003

Signed: Minna C. Otter

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56, §1.97 and §1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22310-1450

Dear Sir:

The references listed in the attached Form PTO/SB/08A, B may be material to examination of the above-identified patent application. Applicants submit these references in compliance with their duty of disclosure pursuant to 37 CFR §§1.56, 1.97, and 1.98. The Examiner is requested to make these citations of official record in this application.

This Information Disclosure Statement is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that these references indeed constitute prior art.

Copies of the references are enclosed, as required under 37 CFR §§1.98

This Information Disclosure Statement is being timely filed under 37 CFR §§1.97 and is being filed:

Attorney Docket No. 0002.12

- ☒ within three months of the filing date of a national application; within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or before the mailing date of a first Office action on the merits (whichever event occurs last);
- ☐ more than three months from the filing date of an application and after the mailing date of a first Office action on the merits, but before the mailing date of either a final action under section 1.113 or a notice of allowance under section 1.311 (whichever occurs first), and is accompanied by:
- ☐ the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under §1.97(c) (\$180.00); or
 - ☐ one of the following statements as specified in 37 CFR 1.97(e) that:
 - ☐ each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
 - ☐ no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in section 1.56(c) more than three months prior to the filing of the information disclosure statement; or
- ☐ after the mailing date of either a final action under section 1.113 or a notice of allowance under section 1.311, but on or before the payment of the issue fee, and is accompanied by each of:
- ☐ the following petition:

Applicant hereby requests consideration of the accompanying information disclosure statement;
 - ☐ the petition fee set forth in 37 CFR 1.17(i) (\$130.00); and
 - ☐ one of the following statements as specified in 37 CFR 1.97(e) that:
 - ☐ each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

☐ no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in section 1.56(c) more than three months prior to the filing of the information disclosure statement.

☐ Each item of information contained within this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement. Accordingly, this Information Disclosure Statement does not constitute a failure on the part of the Applicant to engage in reasonable efforts to conclude prosecution of the application as set forth in 37 CFR 1.704 "Reduction of period of adjustment of patent term."

☐ Attached is Check No. _ in the amount of \$0.

☐ Please charge the amount of \$___ to Deposit Account 500348

☒ If it is determined that any additional fees are due, the Commissioner is hereby authorized to charge such fees to Deposit Account 50-0348.

Respectfully submitted,

NEKTAR THERAPEUTICS
(Formally known as:
INHALE THERAPEUTIC SYSTEMS, INC.)

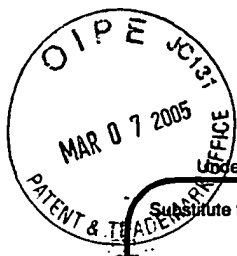
Dated: May 6, 2003

By:

Mark A. Wilson

Mark Wilson
Reg. No. 43,275

San Carlos, CA 94070
(650) 631-3100



PTO/SB/08B (04-03)

Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	09/577,264
Filing Date	05/22/2000
First Named Inventor	John S. Patton
Art Unit	1653
Examiner Name	Unknown
Attorney Docket Number	0002.12

Sheet 2 of 2**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	AA	HODSMAN ET AL., "Biochemical Responses to Sequential Human Parathyroid Hormone (1-38) and Calcitonin in Osteoporotic Patients," Bone and Mineral (1990), Vol. 9, p. 137-152.	
	AB	HODSMAN ET AL., "Bone Densitometric and Histomorphometric Responses to Sequential Human Parathyroid Hormone (1-38) and Salmon Calcitonin in Osteoporotic Patients," Bone and Mineral (1991), Vol. 14, p. 67-83.	
	AC	BEAUCAGE ET AL., "Deoxynucleoside Phosphoramidites - A New Class of Key Intermediates for Deoxypolynucleotide Synthesis," Tetrahedron Letters (1981), Vol. 22(2), p. 1859-1862.	
	AD	HESCH ET AL., "First Clinical Observations with hPTH(1-38), a More Potent Human Parathyroid Hormone Peptide," Horm. Metabol. Res. (1984), Vol. 16, p. 559-560.	

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Examiner Signature	Date Considered
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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.